IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

CRL.A.No. 1731 of 2003

CC.987/1997 of JUDL. MAGISTRATE OF FIRST CLASS-V, KOZHIKODE
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APPELLANT: COMPLAINANT

K.P.SIVASANKARA PILLAI S/O. PADMANBHAN,
"SWAPNA", THAVALAKULAM ROAD, KOZHIKODE,
REPRESENTED BY POWER OF ATTORNEY C.CHELLAMMA.

BY ADV. SRI.S.ANANTHAKRISHNAN

RESPONDENTS: ACCUSED
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1. MADHAVADAS S/O. CHEKKUTTY,
"DALIYA", PARAYIL POST, POOVATTUPARAMBA,
KOZHIKODE.

2. THE STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR MR. C.K. SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.1731 of 2003

DATED THIS THE 24TH SEPTEMBER 2007

JUDGMENT

The appellant is the complainant in C.C.No. 987 of 1997 in the file of the Judicial Magistrate of First Class-V, Kozhikode with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent as he was laid up.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 25-10-2007. The court below shall issue summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO.1118 of 2007

JUDGMENT

27-6-2007

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